

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 597

Introduced by Kopplin, 3; Cornett, 45

Read first time January 17, 2007

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities of the first class; to amend
2 sections 16-901 and 16-902, Revised Statutes Cumulative
3 Supplement, 2006; to change provisions relating to zoning
4 and jurisdiction designation; and to repeal the original
5 sections.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 16-901, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 16-901 (1) Except as provided in section 13-327, any
4 city of the first class may apply by ordinance any existing
5 or future zoning regulations, property use regulations, building
6 ordinances, electrical ordinances, plumbing ordinances, and
7 ordinances authorized by section 16-240 to the unincorporated
8 area two miles beyond and adjacent to its corporate boundaries
9 with the same force and effect as if such outlying area were
10 within the corporate limits of such city, except that no such
11 ordinance shall be extended or applied so as to prohibit, prevent,
12 or interfere with the conduct of existing farming, livestock
13 operations, businesses, or industry. For purposes of sections
14 70-1001 to 70-1020, the zoning area of a city of the first class
15 shall be one mile beyond and adjacent to the corporate area. The
16 fact that such unincorporated area is located in a different county
17 or counties than some or all portions of the municipality shall
18 not be construed as affecting the powers of the city to apply such
19 ordinances.

20 (2) When any part of the corporate limits of a city of
21 the first class is located within three miles of a city of the
22 metropolitan class and the city of the metropolitan class is not
23 located within the same county as the city of the first class,
24 the city of the first class may exercise the authority granted in
25 subsection (1) of this section to the unincorporated area three

1 miles beyond and adjacent to its corporate limits.

2 Sec. 2. Section 16-902, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 16-902 ~~(1)~~ (1)(a) Except as provided in section 13-327, a
5 city of the first class may designate by ordinance the portion of
6 the territory located within two miles of the corporate limits of
7 the city and outside of any other organized city or village within
8 which the designating city will exercise the powers and duties
9 granted by sections 16-902 to 16-904 or section 19-2402.

10 (b) When any part of the corporate limits of a city of
11 the first class is located within three miles of a city of the
12 metropolitan class and the city of the metropolitan class is not
13 located within the same county as the city of the first class,
14 the city of the first class may exercise the authority granted
15 in subdivision (1)(a) of this section within three miles of the
16 corporate limits of the city and outside of any other organized
17 city or village.

18 (2) No owner of any real property located within the area
19 designated by a city pursuant to subsection (1) of this section or
20 section 13-327 may subdivide, plat, or lay out such real property
21 in building lots, streets, or other portions of the same intended
22 to be dedicated for public use or for the use of the purchasers
23 or owners of lots fronting thereon or adjacent thereto without
24 first having obtained the approval of the city council of such
25 city or its agent designated pursuant to section 19-916 and, when

1 applicable, having complied with sections 39-1311 to 39-1311.05.
2 The fact that such real property is located in a different county
3 or counties than some or all portions of the city shall not be
4 construed as affecting the necessity of obtaining the approval of
5 the city council of such city or its designated agent.

6 (3) In counties that (a) have adopted a comprehensive
7 development plan which meets the requirements of section 23-114.02
8 and (b) are enforcing subdivision regulations, the county planning
9 commission shall be provided with all available materials on
10 any proposed subdivision plat, contemplating public streets or
11 improvements, which is filed with a municipality in that county,
12 when such proposed plat lies partially or totally within the
13 extraterritorial subdivision jurisdiction being exercised by that
14 municipality in such county. The commission shall be given four
15 weeks to officially comment on the appropriateness of the design
16 and improvements proposed in the plat. The review period for
17 the commission shall run concurrently with subdivision review
18 activities of the municipality after the commission receives all
19 available material for a proposed subdivision plat.

20 Sec. 3. Original sections 16-901 and 16-902, Revised
21 Statutes Cumulative Supplement, 2006, are repealed.